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Attorney for Defendants
Teva Pharmaceuticals USA, Inc. , Teva
Pharmaceutical Industries LTD. and GATE
Pharmaceuticals

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EISAI CO. LTD, and EISAI INC.

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC. and
TEVA PHARMACEUTICAL INDUSTRIES, LTD.

Defendants.

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) **CONSOLIDATED**

) Civil Action No. 05-5727
) (HAA)(ES) (Lead)
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EISAI CO. LTD, and EISAI INC.

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC., TEVA
PHARMACEUTICAL INDUSTRIES, LTD. and
GATE PHARMACEUTICALS (a division of Teva
Pharmaceuticals USA, Inc.),

Defendants.

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) Civil Action No. 07-5489
) (HAA)(ES)
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STIPULATION AND ORDER FURTHER MODIFYING JANUARY 2, 2008
LETTER ORDER REGARDING PROCEDURAL SCHEDULE

WHEREAS, the Letter Order entered on January 2, 2008 and modified on January 15, 2008, February 20, 2008, April 3, 2008, and July 22, 2008 (D.I. Nos. 112, 121, 156, 194 and 210 ("Letter Order")) provided for a procedural schedule in these consolidated actions; and

WHEREAS, the parties have agreed to modify the schedule for summary judgment briefing, the only item from the procedural schedule set forth in the Letter Order remaining to be completed, as set forth herein.

THEREFORE, it is hereby Stipulated and Agreed that the Letter Order shall be amended as follows:

1 Defendants shall file their opposition to Eisai's summary judgment motion on October 17, 2008 and any reply from plaintiffs shall be filed on November 10, 2008.

4. All other provisions of the Letter Order which are not specifically amended herein shall remain in full force and effect.

IT IS HEREBY STIPULATED this 30th day of September, 2008.

/s/ William J. Heller

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/s/ Michael E. Patunas

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IT IS SO ORDERED this 6th day of October, 2008.



Honorable Esther Salas
United States Magistrate Judge

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